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Intellectual Property Law

MAR 24 2005

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Page 1 of 1

Docket No.: GNE.3130R1C1

**CUSTOMER NO. 30,313**

Applicant : Ashkenazi, et al.  
App. No. : 10/002,796  
Filed : November 15, 2001  
For : SECRETED AND TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC ACIDS  
ENCODING THE SAME  
Examiner : Chernyshev, Olga N.  
Group Art Unit : 1646

**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence and all  
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facsimile to the USPTO Central Fax No. (703)  
872-9306 on the date shown below:

March 24, 2005

  
AnneMarie Kaiser, Reg. No. 37,649

Transmitted herewith for filing and consideration in the above-referenced application are the following items:

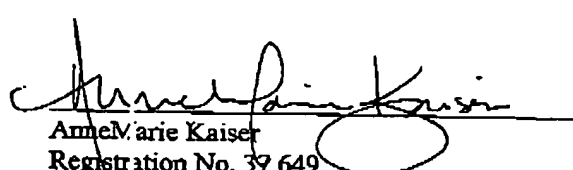
(X) Response to Notice of Non-Compliant Amendment in two (2) pages.

(X) A copy of the Notice of Non-Complaint Amendment.

(X) Corrected Listing of Claims in three (3) pages.

(X) Total pages in transmission: 8

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,796	11/15/2001	Avi J. Ashkenazi	P3130R1C1	5287
7990 03/14/2005				
Attn: Ginger R. Dreger, Esq. Knobbe, Martens, Olson & Bear 201 California Street #1150 San Francisco, CA 94111-3335				
EXAMINER				
ART UNIT		PAPER NUMBER		

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/002,798

Examiner

Olga N. Chernyshev

Applicant(s)

ASHKENAZI ET AL

Art Unit

1646

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claims indicated as currently amended do not have any markings to show the changes.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preconnotice/officeflyer.pdf>.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Olga N. Chernyshev*  
OLGA N. CHERNYSHEV, P.H.D.  
PRIMARY EXAMINER

U.S. Patent and Trademark Office  
PTOL-324 (11-04)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 030705